

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Zhou, Xiao Qin

Docket Number: 02 CR 271-01 (GEL)

Name of Sentencing Judicial Officer: Honorable Gerard E. Lynch, United States District Judge

Date of Original Sentence: November 07, 2007

Original Offense: Conspiracy to Commit Robberies (18 USC 1951), Class C Felony; Brandishing of a firearm During a Crime of Violence (18 USC 924 (c)(1)(A)(ii) and 2), Class A felony.

Original Sentence: Seventy Eight Months (78) Imprisonment Followed by a Three (3) Year Term of Supervised Release.

Type of Supervision: Supervised Release

Date Supervision Commenced: November 19, 2007

PETITIONING THE COURT

I X I To modify the conditions of supervision as follows:

THE DEFENDANT SHALL SUBMIT HIS PERSON, RESIDENCE, OFFICE OR VEHICLE TO A SEARCH, CONDUCTED BY A UNITED STATES PROBATION OFFICER AT A REASONABLE TIME AND IN A REASONABLE MANNER, BASED UPON REASONABLE SUSPICION OF CONTRABAND OR EVIDENCE OF A VIOLATION OF A CONDITION OF RELEASE; FAILURE TO SUBMIT TO A SEARCH MAY BE GROUNDS FOR REVOCATION; THE DEFENDANT SHALL WARN ANY OTHER RESIDENTS THAT THE PREMISES MAY BE SUBJECT TO SEARCHES PURSUANT TO THIS CONDITION.

CAUSE

Based on the instant offense conduct, the Probation Department respectfully recommends the conditions of supervised release be modified to include the above mentioned condition. The investigation of the instant offense was conducted by a Special Agent with the Federal Bureau of Investigation (FBI) acting as a member of the Asian Organized Crime Task Force (AOCTF). The AOCTF investigates, among other things, violent robberies committed by Asian gangs. Between 1999 and March 2002, Zhou participated in approximately 40 robberies of brothels, gambling parlors, restaurants and residences in the Southern District of New York and elsewhere. Even further, in 2001, Zhou was present at the time when an individual was shot at a karaoke club located in Manhattan. Throughout the course of the instant offense, Zhou used acts of violence and brandished handguns to commit the robberies.

Xiao Qin Zhou

35606 GLO

2

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

Zhou currently resides at 148 Madison Street, apartment G2, New York, New York 10002. The residence has been verified. Zhou has been able to secure employment at New Creative Direct Mail Inc. located at 32 Allen Street, New York, New York. Zhou reports as directed, submits monthly supervision reports, and has not sustained any additional arrests. He has satisfied \$600 special assessment fee.

RECOMMENDATION AND JUSTIFICATION

Based on the forgoing, the Southern District of New York Probation office believes Zhou submitting to the provisions of a search condition to be the appropriate course of action at this time. The search condition will enforce further compliance of supervision conditions and may serve as a deterrent for any future criminal activity. In addition, the search condition will serve as a proactive technique that will protect the community in the event of non-complaint behavior. Zhou has agreed to the above modification and voluntarily signed Probation Form 49, waiving his right to a hearing. If Your Honor concurs with our recommendation, please sign on the attached document.

Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer

by

George M. Olinares
U.S. Probation Officer
212-805-5133

Approved By:

 10/16/08

Peter A. Merrigan Date
Supervising U.S. Probation Officer

Xiao Qin Zhou

35606 GLO

3

02 CR 271-01 (GEL)



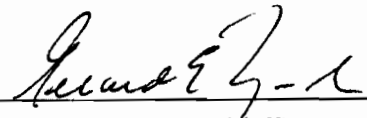
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Judicial Response

THE COURT ORDERS:

☒ The Court Approves the Modification of the Conditions of Supervision as Noted Above.

☐ Other



Signature of Judicial Officer

10/17/08

Date

PROB 49

Waiver of Hearing to Modify Conditions
of Supervised Release

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

THE DEFENDANT SHALL SUBMIT HIS PERSON, RESIDENCE, OFFICE OR VEHICLE TO A SEARCH, CONDUCTED BY A UNITED STATES PROBATION OFFICER AT REASONABLE TIME AND IN A REASONABLE MANNER, BASED UPON A REASONABLE SUSPICION OF CONTRABAND OR EVIDENCE OF A VIOLATION OF A CONDITION OF RELEASE; FAILURE TO SUBMIT TO A SEARCH MAY BE GROUNDS FOR REVOCATION, THE DEFENDANT SHALL WARN ANY OTHER RESIDENTS THAT THE PREMISES MAY BE SUBJECT TO SEARCHES PURSUANT TO THIS CONDITION.

Witness: _____

U.S. Probation Officer

Signed: _____

Supervised Releasee

10 / 2 / 2008
DATE